

**REPORT OF THE AUDIT OF THE
LINCOLN COUNTY
CLERK**

**For The Year Ended
December 31, 2014**



**ADAM H. EDELEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE LINCOLN COUNTY CLERK

**For The Year Ended
December 31, 2014**

The Auditor of Public Accounts has completed the Lincoln County Clerk's audit for the year ended December 31, 2014. Based upon the audit work performed, the financial statement presents fairly in all material respects, the receipts, disbursements, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees increased by \$38,087 from the prior year, resulting in excess fees of \$39,940 as of December 31, 2014. Receipts increased by \$ 97,125 from the prior year and disbursements increased by \$59,038.

Debt Obligations:

Total debt principal as of December 31, 2014 was \$58.

Report Comment:

2014-001 The County Clerk's Office Has A Lack Of Segregation Of Duties

Deposits:

The County Clerk's deposits were insured and collateralized by bank securities or bonds.

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ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim W. Adams, Lincoln County Judge/Executive
The Honorable George O. Spoonamore, IV, Lincoln County Clerk
Members of the Lincoln County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the accompanying statement of receipts, disbursements, and excess fees - regulatory basis of the County Clerk of Lincoln County, Kentucky, for the year ended December 31, 2014, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on this financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



The Honorable Jim W. Adams, Lincoln County Judge/Executive
The Honorable George O. Spoonamore, IV, Lincoln County Clerk
Members of the Lincoln County Fiscal Court

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statement, the financial statement is prepared by the County Clerk on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the County Clerk, as of December 31, 2014, or changes in financial position or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the County Clerk for the year ended December 31, 2014, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

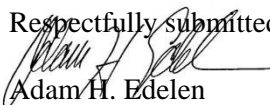
Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated August 07, 2015 on our consideration of the Lincoln County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Lincoln County Clerk's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control over financial reporting and compliance.

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

2014-001 The County Clerk's Office Has A Lack Of Segregation Of Duties

Respectfully submitted,


Adam H. Edelen
Auditor of Public Accounts

August 07, 2015

LINCOLN COUNTY
 GEORGE O. SPOONAMORE, IV, COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2014

Receipts

State Fees For Services	\$	7,204
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Fiscal Court		6,044
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	\$ 719,553	
Usage Tax	823,791	
Tangible Personal Property Tax	1,715,703	
Notary Fees	14,020	

Other-

Fish and Game Licenses	4,031	
Marriage Licenses	5,858	
Occupational Licenses	16,342	
Deed Transfer Tax	45,950	
Delinquent Tax	263,761	3,609,009

Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts	12,432	
Real Estate Mortgages	23,625	
Chattel Mortgages and Financing Statements	63,932	
Powers of Attorney	1,792	
Affordable Housing Trust	21,384	
All Other Recordings	22,466	

Charges for Other Services-

Candidate Filing Fees	2,390	
Copywork	7,509	
Postage	1	155,531

Other:

Miscellaneous	6,485	
Refunds	1,625	8,110

Interest Earned		20
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Total Receipts		3,785,918
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The accompanying notes are an integral part of this financial statement.

LINCOLN COUNTY
 GEORGE O. SPOONAMORE, IV, COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2014
 (Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 499,993

Usage Tax 799,050

Tangible Personal Property Tax 620,155

Licenses, Taxes, and Fees-

Fish and Game Licenses 3,874

Delinquent Tax 24,880

Legal Process Tax 20,004

Affordable Housing Trust 21,378 \$ 1,989,334

Payments to Fiscal Court:

Tangible Personal Property Tax 158,299

Delinquent Tax 20,324

Deed Transfer Tax 43,652 222,275

Payments to Other Districts:

Tangible Personal Property Tax 872,976

Delinquent Tax 138,714 1,011,690

Payments to Sheriff 21,119

Payments to County Attorney 34,494

Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Salaries 195,944

Part-Time Salaries 9,254

Employee Benefits-

Employer's Share Social Security 20,155

Employer's Share Retirement 52,483

Employer's Paid Health Insurance 43,507

Other Payroll Expenditures 2,012

Contracted Services-

Payroll Services 1,500

Computer Support 11,581

Advertising 32

Printing and Binding 3,617

The accompanying notes are an integral part of this financial statement.

LINCOLN COUNTY
 GEORGE O. SPOONAMORE, IV, COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2014
 (Continued)

Disbursements (Continued)

Operating Disbursements and Capital Outlay: (Continued)

Materials and Supplies-			
Office Supplies	\$	3,820	
Other Charges-			
Conventions and Travel		179	
Postage		5,451	
Refunds		3,621	
Phone/Internet		2,713	
Miscellaneous		756	
Capital Outlay-			
Office Equipment		6,075	
Computer Equipment		<u>3,778</u>	\$ 366,478
Debt Service:			
Computer Leases		<u>8,028</u>	
Total Disbursements			<u>\$ 3,653,418</u>
Net Receipts			132,500
Less: Statutory Maximum			<u>87,997</u>
Excess Fees			44,503
Less: Expense Allowance		3,600	
Training Incentive Benefit		<u>963</u>	<u>4,563</u>
Excess Fees Due County for 2014			39,940
Payment to Fiscal Court - February 10, 2015			<u>36,000</u>
Balance Due Fiscal Court at Completion of Audit			<u><u>\$ 3,940</u></u>

The accompanying notes are an integral part of this financial statement.

LINCOLN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2014

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Under this regulatory basis of accounting, receipts and disbursements are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2014 services
- Reimbursements for 2014 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2014

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

LINCOLN COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2014
 (Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 18.89 percent for the first six months and 17.67 percent for the last six months.

The County Clerk's contribution for calendar year 2012 was \$41,475, calendar year 2013 was \$60,303, and calendar year 2014 was \$ 52,483.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

CERS also provides post retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

Years of Service	% paid by Insurance Fund	% Paid by Member through Payroll Deduction
20 or more	100%	0%
15-19	75%	25%
10-14	50%	50%
4-9	25%	75%
Less than 4	0%	100%

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003, earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount.

LINCOLN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2014
(Continued)

Note 2. Employee Retirement System (Continued)

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Lincoln County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The Lincoln County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2014, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Lease Agreement

The Office of the County Clerk was committed to a lease agreement with Pitney Bowes for a postage meter. The agreement required a monthly payment of \$58 for 60 months to completed January 29, 2015. The total balance of the agreement was \$58 as of December 31, 2014.

Note 5. Computer Loan Agreements

- A. On November 2, 2009 the Lincoln County Fiscal Court entered into an agreement with Kentucky Association of Counties in the amount of \$25,000. The funds were used to purchase computer hardware upgrades for the Lincoln County Clerk's Office. The County Clerk has been responsible for making the payments. Principal and interest payments totaling \$3,578 were made during calendar year 2014, leaving a balance of \$13,240 as of December 31, 2014.
- B. On May 24, 2011 the Lincoln County Fiscal Court entered into an agreement with Kentucky Association of Counties in the amount of \$37,563. The funds were used to purchase computer equipment for the Lincoln County Clerk's Office. The County Clerk has been responsible for making the payments. Principal and interest payments totaling \$4,450 were made during calendar year 2014, leaving a balance of \$0 as of December 31, 2014.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim W. Adams, Lincoln County Judge/Executive
The Honorable George O. Spoonamore, IV, Lincoln County Clerk
Members of the Lincoln County Fiscal Court

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the statement of receipts, disbursements, and excess fees - regulatory basis of the Lincoln County Clerk for the year ended December 31, 2014, and the related notes to the financial statement and have issued our report thereon dated August 07, 2015. The County Clerk's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Lincoln County Clerk's internal control over financial reporting to determine audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Lincoln County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Lincoln County Clerk's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses, or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify a certain deficiency in internal control described in the accompanying comment and recommendation as item 2014-001 that we consider to be a significant deficiency.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

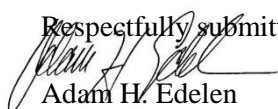
Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Lincoln County Clerk's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,



Adam H. Edelen

Auditor of Public Accounts

August 07, 2015

COMMENT AND RECOMMENDATION

LINCOLN COUNTY
GEORGE O. SPOONAMORE, IV, COUNTY CLERK
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2014

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

2014-001 The County Clerk's Office Has A Lack Of Segregation Of Duties

During our review of internal controls, we noted the County Clerk's office lacks adequate segregation of duties. The County Clerk has segregated the receipts and disbursements ledger posting and bank reconciliations but the deputies receive revenues and write checks. The Clerk or another employee did not document oversight of any of these activities. Lack of oversight could result in misappropriation of assets and/or inaccurate financial reporting to external agencies such as Department of Local Government, which could occur and go undetected.

Due to an entities small size and budget restrictions an official may have limited options for establishing an adequate segregation of duties. In such cases, compensating controls should be implemented. A compensating control is a control that limits the severity of an internal control deficiency and prevents it from rising to the level of a significant deficiency or a material weakness. The County Clerk has stated that compensating controls have been implemented. However, these controls are not sufficiently documented.

To adequately protect against misappropriation of assets and/or inaccurate financial reporting, the Clerk should completely segregate duties. If, due to a limited number of staff, that is not feasible, strong oversight over these areas should occur and involve an employee not currently performing any of those functions. Ideally, the County Clerk should provide this oversight. If the County Clerk does implement additional compensating controls, these should be evidenced on appropriate source documentation.

County Clerk's Response: The County Clerk did not respond.

